

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, CA 95814



September 19, 2001

Regulation Package 0699-13

CDSS MANUAL LETTER NO. FS-01-04

TO: HOLDERS OF THE FOOD STAMP MANUAL, DIVISION 63

**Regulation Package #0699-13****Effective 9/10/01****Section 63-407**

These regulations have been amended to clarify that the hours of participation in unpaid community service and work experience shall be considered to have been met by participation in an average weekly number of hours determined by dividing the monthly amount by 4.33 (the average number of weeks per month).

These regulations were adopted on September 10, 2001 and were considered at the Department's public hearing held on May 16, 2001.

**FILING INSTRUCTIONS**

**Revisions to all manuals will now be shown in graphic screen.** The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Food Stamp manual changes was FS-01-03.

**Page(s)****Replace(s)**181.1  
184 and 185Page 181.1  
Pages 184 and 185

Attachment

JTP

<b>63-407</b>	<b>WORK REGISTRATION REQUIREMENTS (Continued)</b>	<b>63-407</b>
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- .231 Those persons registered in a substitute program as specified in Section 63-407.23, who are deemed ineligible to participate in that program due to a change in household circumstances other than failing to comply with work registration requirements of that program, shall be subject to the work registrant requirements of the Food Stamp Program in Section 63-407.4, within 10 days from the date they lose their eligibility for that program. For treatment of persons who fail to comply with the work registration requirements of these programs see Section 63-407.54.

.24 CalWORKs Unpaid Community Service and Work Experience

Participants in unpaid community service and work experience activities under CalWORKs shall be considered to be participating in the Food Stamp Workfare Program, subject to the following:

- .241 Such persons shall be subject to all CalWORKs Welfare-to-Work (WTW) Program statutes and regulations, including WTW exemptions, except that, consistent with Section 2029(a)(1) of Title 7 of the United States Code, the hours of participation shall be limited as follows:
- (a) The hours of participation in unpaid community service and work experience shall be limited to the number of hours each month, determined collectively for the CalWORKs assistance unit, equal to the CalWORKs assistance unit's grant plus the assistance unit's portion of the food stamp allotment divided by the higher of the state or federal minimum wage. This monthly limit shall be considered to have been met by participation in an average weekly number of hours determined by dividing the monthly amount by 4.33 (average number of weeks per month).

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- (b) The WTW Program regulations are located in MPP Chapter 42-700. See Section 42-711.9 and Section 42-716.111(j) for further instructions on hours of participation for community service. See Section 42-716.111(d) for further instructions on hours of participation for work experience.

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- .242 Persons identified in Section 63-407.24 who are sanctioned for failing to comply with their CalWORKs WTW assignment shall be subject to the food stamp sanction requirements at Section 63-407.54.

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- .522 The recommended CDSS developed form to use for notification of disqualification actions is the DFA 377.10.

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- .53 For purposes of determining the appropriate sanction to apply, the CWD shall count any previous sanctions imposed on the registrant for failing to comply with the requirements of Sections 63-407.4 and .55, and Section 63-408. If the registrant qualifies for one of the exemptions listed at Section 63-407.621, during the minimum sanction period identified in Sections 63-407.531, .532 or .533, the sanction shall end and the registrant may reapply and be approved for food stamps if otherwise eligible.
- .531 The first food stamp sanction shall continue for one month or until compliance is achieved, whichever is longer.
- .532 The second food stamp sanction shall continue for three months or until compliance is achieved, whichever is longer.
- .533 The third or subsequent food stamp sanction shall continue for six months or until compliance is achieved, whichever is longer.
- .54 When an individual is sanctioned for failing to comply with the work requirements of a program as specified in Section 63-407.21(c) (Welfare-to-Work), Section 63-407.21(e) (Unemployment Compensation), Section 63-407.23 (Substitute Programs), or Section 63-407.24 (CalWORKs Unpaid Community Service and Work Experience), the individual shall also receive a Food Stamp sanction in accordance with Section 63-407.5.
- .541 The individual shall be notified of the disqualification as specified in Section 63-407.52.
- .542 When a person is sanctioned under one of the programs identified in Section 63-407.54, except for a substitute program sanction under Section 63-407.23, the following food stamp work registration exemption requirements shall apply:
- (a) A food stamp sanction shall not be imposed if the individual qualifies for one of the food stamp work registration exemptions at Section 63-407.21. Since no food stamp sanction is imposed, an instance of noncompliance is not counted for purposes of determining the length of future food stamp sanctions.

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**Example:**

In March, Sue receives a WTW sanction for failing to participate in a community service assignment. In reviewing her case record, the CWD learns that Sue is responsible for the care of a four-year old child and is exempt from food stamp work registration per MPP Section 63-407.21(d). Therefore, a food stamp sanction would not be imposed and Sue would remain eligible for food stamps while under the WTW sanction.

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- (b) When an individual does not qualify for one of the food stamp work registration exemptions at Section 63-407.21 and a food stamp sanction is imposed, the food stamp sanction shall end when the sanctioned individual subsequently qualifies for a work registration exemption.

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**Example:**

Sally is part of a five-person food stamp household and at the end of February, she receives a CalWORKs/food stamp sanction for failing to participate in a WTW assignment. In May, Sally begins regular participation in a drug rehabilitation program and qualifies for the food stamp work exemption at Section 63-407.21(f). At that time, the food stamp sanction would stop. For multiple person households, eligibility is reestablished for the previously sanctioned individual the first of the following month, if the individual is otherwise eligible (Section 63-504.353). Therefore, Sally would be eligible for food stamps effective June 1.

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